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10/799,254

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EXAMINER

HAVAN, THU THAO

ART UNIT

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3693

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/799,254	Applicant(s) SANCHEZ ET AL.	
	Examiner Thu Thao Havan	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/17/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### ***Response to Amendment***

Claims 1-47 are pending. This action is in response to the RCE received August 17, 2007.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Keresman, III et al. (US 7,051,002) in view of Itakura et al. (US 2005/0010488).

Re claims **1** and **19**, Keresman et al disclose a system and method for processing an electronic payment transaction (figs. 2-3, col. 3, line 11-15, line 30-34), comprising:

an interface (i.e. 100, comprises interface module 102) for receiving a request for processing the electronic payment transaction (col. 5, line 66 – col. 6, line 14) from a payment terminal (50, col. 5, line 25-33 and line 58-65, i.e. the payment request is the

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checkout transaction initiated by the consumer/cardholder at his/her computer terminal 50 upon completion of a purchase transaction. The payment information will be processed by the request layer 110, see col. 9, line 65 – col. 10, line 6) the request including a format type (col. 6, line 4-14, i.e. a plurality of different payment types);

and a processor (200, col. 7, line 22-65) for:

determining the format type of the request (col. 6, line 67 – col. 7, line 5, col. 10, line 47-63);

identifying a host computer configured to process the determined format type; and transmitting the request to the identified host computer (col. 5, line 41-45, col. 10, line 47-63, Keresman et al disclose that because of the different types of payment, the formatted message will routed to the issuing entity i.e. "host" for authentication).

However, Keresman does not explicitly teach from among a plurality of predetermined second format types and from among a plurality of host computers, each host computer being configured to process at least one of the predetermined second format type. On the other hand, Itakura discloses from among a plurality of predetermined second format types and from among a plurality of host computers, each host computer being configured to process at least one of the predetermined second format type (para 25-26, 0031-0034, 0068, 0103-0104, 0111, and 0118-0123; figs. 1, 13-14, 18, and 21). Itakura the host computer of the store is connected to the message distribution system through the private line. He discloses the information provider is administered by a so-called World Wide Web provider, and is connected to a plurality of host computers through the Internet (World Wide Web).

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The information provider is also connected to the payment system through a private line.

Thus, it would have been obvious to one of ordinary skill in the art to enable a plurality of predetermined second format and a plurality of host computers to process at least one of the predetermined second format type in order to transmit the credit card information in secure manner by a private network.

Re claims **2** and **20**, Keresman et al also disclose the processor (200, see also discussion w/r to claim 1) is further configured for receiving a notification from the identified host indicating whether the request is approved (col. 10, line 63-67, col. 11, line 1-20). Keresman et al disclose that the processor "MAPS" 200 receives enrollment status confirmation from the issuing entity i.e. "host" regarding a consumer/cardholder). and transmits this confirmation message to the merchant's server 100, i.e. the interface. Hence, it teaches that a non-confirmed message about enrollment of a consumer/cardholder sent by the issuing entity to the merchant's server 100 constitutes an error message as claimed.

Re claims **3** and **21**, Keresman et al also disclose the interface (100, see discussion w/r to claim 1 above) is further configured for receiving a notification from the identified host indicating whether the request contains an error message (col. 10, line 63-67, col. 11, line 1-20). Keresman et al also disclose that the issuing entity i.e. "host" transmits a confirmation message about the enrollment status of a consumer/cardholder to the merchant's server 100, i.e. the interface via the processor "MAPS" 200. Hence, it teaches that a non-confirmed message about enrollment of a consumer/cardholder sent

by the issuing entity to the merchant's server 100 constitutes an error message as claimed.

Re claims **4-5** and **22-23**, Keresman et al disclose an authentication process wherein the processor is further configured for sending the notification to the payment terminal (See discussion w/r to claims 3 and 21, col. 10, line 63-67, col. 11, line 1-29). Keresman et al disclose that the processor "MAPS" 200 receives enrollment status confirmation from the issuing entity i.e. "host" regarding a consumer/cardholder and transmits this confirmation message to the merchant's server 100, i.e. the interface. This enrollment confirmation status message is ultimately being relay to the consumer/cardholder via the merchant's server 100 web page).

Re claims **6** and **24**, Keresman et al disclose formatting data i.e. payment transaction requests into specific message format such as XML, and transmitting these formatted data over HTTPS protocol (col. 6, line 54-56, col. 7, line 1-7). Data packets having header information as claimed are from the XML formatted data transmitted over HTTPS protocol.

Re claims **7** and **25**, Keresman et al disclose the processor "MAPS" 200 adapted to encode i.e. process/format message data into XML, and to transmit these data over HTTPS protocol (col. 7, line 47-50, col. 8, line 12-14). Encoding header information is in the processing/formatting of message data into XML format to be transmitted over HTTPS protocol.

Re claims **8** and **26**, which further recite the header information is encoded using an Extensible Markup Language, see discussion w/r to claims 6-7 and 24-25 above.

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Re claims **9** and **27**, in Keresman et al, the request for processing the electronic payment transaction relates to authorizing the transaction (see discussion w/r to claim 1. The authorization of payment is carried out through the authentication process between the merchant's server i.e. interface and the issuing entity i.e. "host" via the processor 200 "MAPS". See col. 10, line 53-67 for example).

Re claims **10** and **28**, in Keresman et al, the request for processing the electronic payment transaction (see discussion w/r to claims 1-9 and 19-27) is the process of settling the transaction (see also col. 5, line 66 – col. 6, line 14).

Claims **11-18**, **29-36**, and **42-47** have been analyzed and rejected w/r to claims 1-10 and 19-28 above.

Re claim **37**, Keresman et al disclose computer and server to facilitate the electronic payment processing system and method. Hence, a serial connection is an example of a USB (universal serial bus) connection.

Re claims **38-40**, Keresman et al disclose the same internet protocol as claimed (col. 5, line 58-65). TCP/IP is in the internet protocol.


Re claim **41**, Keresman et al disclose processing electronic payment requests over the internet (see discussion w/r to claims 1 and 38-40). Hence, accessing the internet necessitates a modem.

### Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

  
Thu Thao Havan  
Art Unit: 3693  
10/28/2007